

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EUGENA FOX,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:21-cv-601-JTA
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Before the Court is the Unopposed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Cause to Defendant filed by the Acting Commissioner of Social Security (“Commissioner”) on December 27, 2021. (Doc. No. 12.) In her Memorandum in Support of her Unopposed Motion, the Acting Commissioner states remand is appropriate so the agency can further consider Plaintiff’s medically determinable mental impairment(s) using the special technique set forth in 20 C.F.R. § 404.1520(a), assess Plaintiff’s residual functional capacity, and if warranted, obtain evidence from a vocational expert to determine Plaintiff’s ability to perform her past relevant work and/or other work in the national economy. The agency will also take any further action necessary to complete the administrative record, offer Plaintiff the opportunity for a new hearing, and issue a new decision. (Doc. No. 11 at 1-2.)

Sentence four of 42 U.S.C. § 405(g) authorizes the district court to “enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g). The district court may remand a case to the Commissioner for a rehearing if the court finds “either . . . the decision is not supported by substantial evidence, or . . . the Commissioner or the ALJ incorrectly applied the law relevant to the disability claim.” *Jackson v. Chater*, 99 F.3d 1086, 1092 (11th Cir. 1996).

Here, the Court finds remand necessary as the Acting Commissioner concedes that further development of the record and further consideration of the relevant medical opinions are in order. Moreover, Plaintiff does not oppose the motion. (*See* Doc. No. 12.) Further, pursuant to 28 U.S.C. § 636(c)(1) and Rule 73 of the Federal Rules of Civil Procedure, the parties have consented to the full jurisdiction of the undersigned United States Magistrate Judge. (Docs. No. 8, 9.)

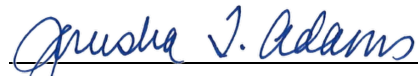
Accordingly, it is hereby

ORDERED as follows:

1. The Commissioner’s motion (Doc. No. 12) is GRANTED.
2. The decision of the Commissioner is hereby REVERSED.
3. This matter is hereby REMANDED to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

A separate final judgment will issue.

DONE this 28th day of December, 2021.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE